

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Lynchburg Division

CHRISTINE GIBBONS,

Plaintiff,

v.

Case No. 6:23cv00035

BETTY ANN GIBBS, IN HER OFFICIAL
CAPACITY AS SECRETARY OF THE
LYNCHBURG ELECTORAL BOARD, AND
IN HER PERSONAL CAPACITY; STEVEN
TROXEL, IN HIS OFFICIAL CAPACITY AS
VICE CHAIR OF THE LYNCHBURG
ELECTORAL BOARD, AND IN HIS
PERSONAL CAPACITY; AND THE
ELECTORAL BOARD OF THE CITY OF
LYNCHBURG,

Defendants.

NOTICE OF APPEAL

Notice is hereby given that Defendants Betty Ann Gibbs, in her official capacity as Secretary of the Lynchburg Electoral Board, and Steven Troxel, in his official capacity as Vice Chair of the Lynchburg Electoral Board (collectively, “Defendants”) hereby appeal to the United States Court of Appeals for the Fourth Circuit from an opinion and order denying their Motion to Dismiss [ECF Nos. 54 and 55] entered in this action on August 25, 2023. The denial of Eleventh Amendment sovereign immunity is subject to an interlocutory appeal. *See Indus. Servs. Grp., Inc. v. Dobson*, 68 F.4th 155, 162 (4th Cir. 2023); *Litman v. George Mason Univ.*, 186 F.3d 544, 548 (4th Cir. 1999).

**BETTY ANN GIBBS, IN HER
OFFICIAL CAPACITY AS
SECRETARY OF THE LYNCHBURG
ELECTORAL BOARD; STEVEN
TROXEL, IN HIS OFFICIAL
CAPACITY AS VICE CHAIR OF THE
LYNCHBURG ELECTORAL BOARD**

By Counsel

/s/ David P. Corrigan

David P. Corrigan (VSB No. 26341)

M. Scott Fisher, Jr. (VSB No. 78485)

Counsel for Defendants

Harman, Claytor, Corrigan & Wellman

P.O. Box 70280

Richmond, Virginia 23255

804-747-5200 - Phone

804-747-6085 - Fax

dcorrigan@hccw.com

sfisher@hccw.com

CERTIFICATE

I hereby certify that on the 25th day of August, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Stephen B. Pershing, VSB No. 31012
Kalijarvi, Chuzy, Newman & Fitch, P.C.
818 Connecticut Avenue, N.W.
Suite 1000
Washington, DC 20006
202-331-9260 - Phone
spershing@kcnlaw.com

/s/ David P. Corrigan

David P. Corrigan (VSB No. 26341)

M. Scott Fisher, Jr. (VSB No. 78485)

Counsel for Defendants

Harman, Claytor, Corrigan & Wellman

P.O. Box 70280

Richmond, Virginia 23255

804-747-5200 - Phone

804-747-6085 - Fax

dcorrigan@hccw.com

sfisher@hccw.com